

To: Mark Koontz[Mark.Koontz@ci.bremerton.wa.us]
From: Chris Wion
Sent: Thur 3/18/2010 3:54:55 PM
Subject: RE: Settlement Agreement
3.18.10 Sesko Settlement Agreement (DHLT red-lines) (FINAL).doc

FINAL

-----Original Message-----

From: Mark Koontz [mailto:Mark.Koontz@ci.bremerton.wa.us]
Sent: Wednesday, March 17, 2010 3:16 PM
To: Chris Wion
Subject: RE: Settlement Agreement

I have the utility easement off to engineering for review. I hope to hear from them today. Looking at the second paragraph, my concern is that if Ms. Sesko paves the area around the current vaults, the vaults may end up being higher than two inches after the paving. Your intent is to restrict future activity, right? Would you object to the below modification?

...a utility easement for municipal sewer lines, along with those necessary appurtenances, including, but not limited to, the three vaults installed in 2008-2009, provided that the Grantee restricts **any future** appurtenances to a height no greater than the lesser of (a) six inches above grade at installation or (b) two inches above the immediately surrounding pavement

Mark E. Koontz
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From: Chris Wion [mailto:chrisw@dhl.com]
Sent: Wednesday, March 17, 2010 2:29 PM
To: Mark Koontz
Subject: RE: Settlement Agreement

Mark,

As discussed, attached please find our red-lined changes to the draft Settlement Agreement and Utility Easement.

-Chris

-----Original Message-----

From: Mark Koontz [mailto:Mark.Koontz@ci.bremerton.wa.us]
Sent: Wednesday, March 17, 2010 1:30 PM

BREMERTON-001220

To: Chris Wion
Subject: RE: Settlement Agreement

just left you a voice mail.

Mark E. Koontz
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From: Chris Wion [mailto:chrisw@dhl.com]
Sent: Wednesday, March 17, 2010 1:19 PM
To: Mark Koontz
Subject: RE: Settlement Agreement

Mark,

Please call me when you get a chance. Thanks.

-Chris

-----Original Message-----

From: Mark Koontz [mailto:Mark.Koontz@ci.bremerton.wa.us]
Sent: Wednesday, March 17, 2010 9:15 AM
To: Chris Wion
Subject: RE: Settlement Agreement

Chris,

I think we can get it wrapped up today or tomorrow.

-Mark

Mark E. Koontz
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From: Chris Wion [mailto:chrisw@dhl.com]
Sent: Wednesday, March 17, 2010 8:27 AM
To: Mark Koontz
Subject: RE: Settlement Agreement

Mark,

As you know, first thing on Monday morning, March 8, I provided you with a red-lined copy of the draft Settlement Agreement and Utility Easement. On Thursday, March 11, we discussed the various proposed changes and you indicated that you would provide the City's response the next day, Friday, March 12. Then, on Monday, March 15, I sent the below email, requesting an updated ETA for the City's response. Yesterday morning, you indicated that the City would respond by the afternoon. We are still awaiting the City's response.

While I recognize that this process sometimes takes longer than expected, the Sheriff's sale is scheduled for this Friday, March 19, which obviously threatens to derail any effort to resolve the dispute according to the basic terms to which both parties have agreed. I think you will agree that the parties are not very far apart and that Ms. Sesko is making a good faith effort to finalize the documentation of the conceptual agreement. However, it is no longer reasonable to expect that we can conclude the process by the end of the day tomorrow (I am in court tomorrow afternoon).

I propose that the Sheriff's sale be postponed for an additional week to allow adequate time to resolve the few outstanding issues. Please let me know as soon as possible whether you agree.

-Chris

-----Original Message-----

From: Mark Koontz [mailto:Mark.Koontz@ci.bremerton.wa.us]
Sent: Tuesday, March 16, 2010 9:12 AM
To: Chris Wion
Subject: RE: Settlement Agreement

this afternoon.

Mark E. Koontz
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From: Chris Wion [mailto:chrisw@dhl.com]
Sent: Monday, March 15, 2010 2:19 PM
To: Mark Koontz

BREMERTON-001222

Subject: Settlement Agreement

Mark,

When we spoke last week you indicated that you planned to send me a revised draft of the Settlement Agreement and Utility Easement last Friday. Can you please provide an updated ETA?

Thank you.

-Chris

Christopher T. Wion
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